

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MONIQUE L. MILLER,

Plaintiff,

v.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

Civil Action No. 09-170 Erie

**JUDGMENT ORDER**

Plaintiff's complaint was received by the Clerk of Court on July 9, 2009 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on August 2, 2010 [15], recommends that the Plaintiff's Motion for Summary Judgment [11] be denied, that the Motion for Summary Judgment filed by Defendant [13] be granted, and that the administrative decision of the Defendant, Michael J. Astrue, Commissioner of Social Security denying her applications for disability insurance benefits and supplemental security income be affirmed. The parties were allowed fourteen (14) days from the date of service in which to file objections. The parties, through their respective counsel, were served electronically on August 2, 2010. No objections were filed. After de novo review of the complaint and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 31<sup>st</sup> Day of August, 2010;

IT IS ORDERED that: the Plaintiff's Motion for Summary Judgment [11] be, and hereby is, DENIED; the Motion for Summary Judgment filed by Defendant [13] be, and hereby is, GRANTED; and the decision of the Defendant, Michael J. Astrue, Commissioner of Social Security, denying Plaintiff's application for disability insurance benefits and supplemental security income benefits is AFFIRMED.

The report and recommendation of Magistrate Judge Baxter, dated August 2, 2010 [15], is adopted as the opinion of this Court.

JUDGMENT is hereby entered in favor Defendant, Michael J. Astrue, Commissioner of Social Security, and against Plaintiff, Monique L. Miller.

s/ SEAN J. McLAUGHLIN

Sean J. McLaughlin  
United States District Judge

cc: all parties of record  
U.S. Magistrate Judge Baxter